

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JUAN MANUEL REYES, JR.,

08-CV-766-JE

Petitioner,

ORDER

v.

SHARON BLACKLETTER,

Respondent.

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and Recommendation (#54) on September 17, 2010, in which he recommended the Court deny Petitioner Jaun Manuel Reyes, Jr.'s Petition (#1) for Writ of Habeas Corpus and dismiss this matter with prejudice. Magistrate Judge Jelderks also recommends the Court decline to issue a Certificate of Appealability on the

ground that Petitioner has failed to make a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

Petitioner filed timely Objections (#56) to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In his Objections, Petitioner merely reiterates the arguments contained in his Memorandum in Support of Habeas Petition. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#54) and, accordingly, **DENIES** Petitioner's Petition (#1) for Writ of Habeas Corpus, **DISMISSES** this matter

with prejudice, and **DECLINES** to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 16th day of December, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge